

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by  
2 inserting after all of said section and line, the following:

3  
4 "135.1550. 1. Sections 135.1550 to 135.1575 shall be known and may be cited as the  
5 "Missouri Export Incentive Act".

6 2. As used in sections 135.1550 to 135.1575, unless the context clearly requires otherwise,  
7 the following terms shall mean:

8 (1) "Air export tax credit", the tax credit against the taxes imposed under chapters 143, 147,  
9 and 148, except for those in sections 143.191 to 143.265, to be issued by the department to a  
10 claiming freight forwarder for the shipment of air cargo on a qualifying outbound flight;

11 (2) "Airport", any international airport located within the state;

12 (3) "Chargeable kilo", the shipment of a kilo of freight, as measured by the greater of:

13 (a) Actual weight; or

14 (b) A dimensional weight, as determined by the conversion factors promulgated by the  
15 International Air Transport Association, on a qualifying outbound flight;

16 (4) "Claiming freight forwarder", the freight forwarder designated as the "agent" on the  
17 airway bill for the qualifying outbound flight for which such air export tax credit is sought;

18 (5) "Department", the Missouri department of economic development;

19 (6) "Direct international aircraft flight", a single aircraft transoceanic flight that operates to  
20 an international destination in accordance with the operators bilateral route authority;

21 (7) "Freight forwarder", a person who assumes responsibility in the ordinary course of  
22 business for the transportation of cargo from the place of receipt to the place of destination,  
23 including the utilization of a qualifying outbound flight;

24 (8) "Qualifying outbound flight", a direct international aircraft flight that carries either all  
25 cargo or a mix of passengers and cargo from the airport to an international destination.

26 135.1555. 1. For all fiscal years beginning on or after July 1, 2013, a claiming freight  
27 forwarder shall be entitled to an air export tax credit for the shipment of cargo on a qualifying  
28 outbound flight in an amount equal to forty cents per chargeable kilo.

29 2. The department shall index, and the secretary of state shall publish in the Missouri  
30 Register, the amount of the air export tax credits to adjust each year depending upon fluctuations in  
31 the cost of fuel for over-the-road transportation.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1       135.1560. 1. To receive benefits provided under section 135.1555, a claiming freight  
2 forwarder shall file an application with the department within one hundred twenty calendar days of  
3 the date of shipment. The documentation to be presented by the claiming freight forwarder in such  
4 an application shall consist of the master airway bill for the shipment on the qualifying outbound  
5 flight for which the claiming freight forwarder is seeking air export tax credits. The department  
6 shall establish procedures to allow claiming freight forwarders that file applications for air export tax  
7 credits to receive such tax credits within twenty business days of the filing of the application.

8       2. If the fiscal year cap on the issuance of air export tax credits provided under section  
9 135.1565 is met in a given fiscal year, then the amount of such tax credits that have been authorized,  
10 but remain unissued, shall be carried forward and issued in the subsequent fiscal year.

11       3. No tax credits provided under this section shall be authorized after June 30, 2021. Any  
12 tax credits authorized on or before June 30, 2021, but not issued, may be issued until all such  
13 authorized tax credits have been issued.

14       135.1565. The total aggregate amount for air export tax credits authorized under section  
15 135.1555 shall not exceed sixty million dollars. The amount of the air export tax credits issued  
16 under section 135.1555 shall not exceed seven million five hundred thousand dollars for each fiscal  
17 year beginning on or after July 1, 2013, unless authorized by the department. Any amount issued  
18 exceeding seven million five hundred thousand dollars in a fiscal year shall be reduced first from the  
19 authorized amount for the fiscal year ending June 30, 2021, and then the preceding fiscal years, until  
20 all such authorized credits have been issued.

21       135.1570. If the amount of any tax credit authorized under sections 135.1550 to 135.1575  
22 exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the  
23 amount that exceeds the state tax liability may be carried forward for credit against the taxes  
24 imposed under chapters 143, 147, and 148, except those in sections 143.191 to 143.265, for the  
25 succeeding six years, or until the full credit is used, whichever occurs first. Tax credits authorized  
26 under the provisions of sections 135.1550 to 135.1575 may be transferred, sold, or otherwise  
27 assigned. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or  
28 multiple owners of property shall be passed through to the partners, members, or owners respectively  
29 pro rata or pursuant to an executed agreement among the partners, members, or owners documenting  
30 an alternate distribution method.

31       135.1575. 1. The department may promulgate rules to implement the provisions of sections  
32 135.1550 to 135.1575. Any rule or portion of a rule, as that term is defined in section 536.010 that is  
33 created under the authority delegated in this section shall become effective only if it complies with  
34 and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This  
35 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
36 pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are  
37 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
38 adopted after the effective date of this act, shall be invalid and void.

39       2. The provisions of section 23.253 of the Missouri sunset act notwithstanding:

40       (1) The provisions of the new programs authorized under sections 135.1550 to 135.1575  
41 shall automatically sunset eight years after the effective date of this act, unless reauthorized by an act

1 of the general assembly;

2 (2) If such program is reauthorized, the program authorized under this section shall  
3 automatically sunset eight years after the effective date of the reauthorization of this section; and

4 (3) This section shall terminate on September first of the calendar year immediately  
5 following the calendar year in which the programs authorized under sections 135.1550 to 135.1575  
6 sunset."; and

7  
8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.